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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/834,562

04/13/2001

Jennifer H. Chen

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3853

7590

11/17/2006

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EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,562

Applicant(s)

CHEN ET AL.

Examiner

Jocelyn W. Greimel

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final action is in response to Applicant's application of 13 April 2001. Claims 1-26 are pending and are presented to be examined upon their merits. Claims 1, 11 and 21-26 are independent claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1, 11 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of the claims, Applicants claim a "method for customizing" the environment. Applicants claim "receiving information" and "customizing the environment." It is unclear to the Examiner what steps or processes are used to customize the environment.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of claim 5 is unclear and appears to be missing

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a verb. Additionally, it is unclear how "a table listing" can customize environments listed in a table or the other items listed in claim 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (US Patent Pub. No. US 2002/0073331 A1). In reference to claims 1, 11 and 21-26, Candelore discloses a **method**, **system** and **apparatus** for environment customization comprising a:

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- a. a network interface; and a controller coupled to the network interface, wherein the controller: receives location information (0018-0020; 0033-0034);
- b. extracts a user identification from the location information (0019-0020);
- c. retrieves a profile based on the user identification (0019; 0022);
- d. extracts a reference location from the profile; generates a first list of environments to customize based on the reference location and the current location (0016-0020; 0022; 0029-0030);
- e. customizes one or more environments based on the location information and the profile (0020).

8. Candelore does not disclose retrieving a second list of customizable devices corresponding to each of the environments in the first list and generating customization information based on the profile and the current location. However, this is a repetition of the process evaluated *supra* and is evaluated under the same rationale.

9. Candelore does not disclose wherein the customization logic one or more of a table listing customizes environments listed in a table: (1) based on a difference between the current location and the reference location and (2) reasons using status parameters in the profile, the current location and the reference location. It is well known in the art to create a database that could be in the form of a table to collect and process data.

10. Candelore discloses:

- f. retrieving and executing customization logic from the profile (0015; 0034).

- g. extracting from the profile customization commands (0020);
- h. retrieving configuration data from sources specified in the profile customization commands (0021-0022; 0039-0042);
- i. mapping the configuration data to customizable devices in the second list of each of the environments in the first list (0021-0022; 0039-0042);
- j. wherein the specified sources comprise one or more of: an already customized environment; and a database of configuration data for particular customizable devices (0021);
- k. wherein the mapping step comprises: matching one or more portions of the configuration data with one or more customizable devices in the second list for each of the environments in the first list (0020-0022);
- l. collecting configuration data for each of the customizable devices in the second list of the environments in the first list (0020-0022);
- m. integrating the collected configuration data for each of the customizable devices (0020-0022);

- n. wherein the customizing step comprises: identifying a network address for each of the customizable devices (0016-0019; 0029-0030; 0041);
- o. setting, via a network, each of the customizable devices to operate in a manner consistent with corresponding integrated collected configuration data (0016-0019; 0029-0030; 0041);
- p. wherein the customizable devices include one or more of communication devices, computers, appliances, motor vehicles, temperature controls, entertainment devices, security devices, lights (0016-0019; 0029-0030; 0041).


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
November 3, 2006


ELLA COLBERT
PRIMARY EXAMINER